

**FROM THE COMMITTEE ON
MODEL CIVIL JURY INSTRUCTIONS**

The Committee solicits comment on the following proposals by March 15, 2012. Comments may be sent in writing to Timothy J. Raubinger, Reporter, Committee on Model Civil Jury Instructions, Michigan Hall of Justice, P.O. Box 30052, Lansing, MI 48909-7604, or electronically to MCJI@courts.mi.gov.

PROPOSED

**[AMENDED] M Civ JI 107.15
WHISTLEBLOWERS' PROTECTION ACT: BURDEN OF PROOF**

Plaintiff has the burden of proving each of the following elements:

- a. ~~there~~ that [he / she] was engaged in a protected activity as defined in these instructions; and
- b. the defendant [discharged / or / threatened / or / discriminated against] the plaintiff; and
- c. the [discharge / threat / discrimination] was because of protected activity; and
- d. the plaintiff suffered damages as a result of the [discharge / threat / discrimination].

Your verdict will be for the plaintiff if you find that plaintiff has proved each of these elements. Your verdict will be for the defendant if you find that the plaintiff has failed to prove any one of these elements.

Comment

West v General Motors, 469 Mich 177 (2003).

History

M Civ JI 107.15 was added April 1, 2002.

The Michigan Supreme Court has delegated to the Committee on Model Civil Jury Instructions the authority to propose and adopt Model Civil Jury Instructions. MCR 2.516(D). In drafting Model Civil Jury Instructions, it is not the committee's function to create new law or anticipate rulings of the Michigan Supreme Court or Court of Appeals on substantive law. The committee's responsibility is to produce instructions that are supported by existing law.

The members of the Committee on Model Civil Jury Instructions are:

Chair: Hon. Alfred M. Butzbaugh

Reporter: Timothy J. Raubinger

Members: Hon. Jane M. Beckering; Mark R. Bendure; Mark T. Boonstra; Patricia J. Boyle; W. Mack Faison; Gary P. Gordon; Elizabeth Phelps Hardy; Hon. John A. Hohman, Jr.; Helen K. Joyner; Daniel J. McCarthy; David S. Mittleman; Hon. James R. Redford; Hon. Douglas B. Shapiro; Noreen L. Slank; Joseph C. Smith; Paul C. Smith; Hon. Brian R. Sullivan; Hon. Donald A. Teeple; Thomas Van Dusen; Hon. Michael D. Warren, Jr.